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Customer Number

Patent
Case No.: 59343US003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: HADDAD, LOUIS C.

Application No.: 10/810738

Confirmation No.: 9703

Filed: March 26, 2004

Title: MATERIALS, METHODS, AND KITS FOR REDUCING NONSPECIFIC
BINDING OF MOLECULES TO A SURFACE

RESPONSE TO RESTRICTION REQUIREMENT—ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Submitted via EFS-Web

Dear Sir:

In response to the Examiner's office action dated August 19, 2009, Applicants are required under 35 USC § 121 to elect a single disclosed species for prosecution on the merits. Applicants are required to elect one fluorinated nonionic surfactant from the genus represented by formula (I) in claim 1 and one fluorinated nonionic surfactant from the genus represented by formula (II) in claim 6.

Applicants elect with traverse the following the species represented by formula (I) in claim 1: R_f is C_4F_9 , R is CH_3 , n is 2, R^2 is hydrogen, and x is 2.

Applicants elect with traverse the following the species represented by formula (II) in claim 6: R_f is C_4F_9 , R is CH_3 , n is 2, R^2 is hydrogen, x is 2, R^1 is hydrogen, R^3 is $[CH_2CH_2O]_{11}[CH(CH_3)CH_2O]_{21}[CH_2CH_2O]_{11}$, z is 1, and y is 1.

Applicants disagree with the statement in the Office Action that "claim 6 seems to be improperly expanding the scope of formula (I) of claim 1". *See* page 4. Claim 1 is open-ended. Claim 6 depends from claim 1 and includes not only the left entity as recited in formula (I) of claim 1, but also the right entity. *See* formula (II) of claim 6. Therefore, claim 6 does not expand the scope of formula (I) of claim 1, but further limits the fluorinated nonionic surfactant.

The Office Action also requests Applicants identify the claims encompassing the elected species. Claim 1 is an open-ended method claim, which recites a fluorinated nonionic surfactant of formula (I) along with other claim elements. Claim 6 depends from claim 1 and further limits the fluorinated nonionic surfactant.

Of the previously elected claims:

- (i) Claims 2-4, 6-8, 10-11, 13, and 32-33 depend directly or indirectly from claim 1 and further limit the other claim elements recited in claim 1; and
- (ii) Claims 15-16 claim the same fluorinated nonionic surfactant as recited in claim 1, but do not recite “providing a sample comprising target molecules” nor “wherein non-specific binding...with the fluorinated nonionic surfactant” as recited in claim 1.

On this basis, the previously elected claims encompassing the species elected above in claims 1 and 6 are: 2-4, 7-8, 10-11, 13, 15-16, and 32-33.

It is respectfully urged that the claims now pending before the Examiner are in condition for allowance. A notification of allowability is respectfully solicited.

Should the Examiner determine that a telephone interview would be beneficial in resolving any of the issues in this case, the Examiner is invited to telephone the undersigned representative at the telephone number noted below.

Respectfully submitted,

14 Sep 2009

Date

By: / Julie A. Lapos-Kuchar /

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